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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,682	07/28/2000	Frank F. Roohparvar	400.008US01	3555

7590 05/19/2004  
Fogg Slifer & Polglaze PA  
P.O. Box 581009  
Minneapolis, MN 55458-1009

EXAMINER

PEIKARI, BEHZAD

ART UNIT	PAPER NUMBER
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2186

DATE MAILED: 05/19/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Advisory Action**

Application No.

09/627,682

Applicant(s)

ROOHPARVAR, FRANK F.

Examiner

B. James Peikari

Art Unit

2186

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 4/30/04 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1,2 and 34.

Claim(s) withdrawn from consideration: 27-33 and 35-38.

8. ☒ The drawing correction filed on 30 April 2004 is a) ☐ approved or b) ☒ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: See Continuation Sheet

  
B. James Peikari  
Primary Examiner  
Art Unit: 2186

Continuation of 5. does NOT place the application in condition for allowance because: applicant's entire argument hinged on the issue of the memory of Bacon et al., being "inherently" synchronous. However the rejection did not mention inherency at all. In fact, the FOUR distinct examples of synchronous behavior in the Bacon et al. system clearly demonstrate that the examiner's position did not rely on inherency. Thus, applicant's voluminous arguments directed to inherency are not only moot, but also quite puzzling. Applicant's arguments directed to "synchronous" or "asynchronous" memory are often misguided: the examiner wishes to make applicant aware of the fact that memory is never inherently synchronous or asynchronous. Rather, the behavior of memory is determined by the system in which the memory is utilized. Thus, the same memory chip may behave in a "synchronous" manner in one system and in an "asynchronous" manner when inserted into another system. The rejection describes no less than four clear examples of synchronous behavior in the Bacon et al. system in which the memory 134 is utilized. None of applicant's arguments directed toward these examples are deemed convincing, since each of these arguments appear to rely on applicant's recurring "inherency" argument.

Continuation of 10. Other: The numbering of the drawing views is not in accordance with 37 CFR 1.84(u)(1), which requires "FIG." instead of "Fig.".